

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Monday, May 13, 2013

CASE NUMBER: C15-2013-0047

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Lucy C, Begg & Robert Gay

OWNER: Same as Owner

ADDRESS: 64 NAVASOTA ST

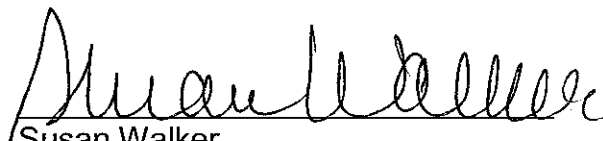
VARIANCE REQUESTED: The applicant has requested a variance to decrease the minimum rear yard setback requirement of Section 25-2-492 (D) from 10 feet to 3 feet in order to maintain and remodel an addition to a single family residence in an "SF-3-NP", Family Residence – Neighborhood Plan zoning district.


BOARD'S DECISION: POSTPONED TO JUNE 10, 2013 (RE-NOTIFICATION REQUIRED)

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:


Susan Walker
Executive Liaison


Jeff Jack
Chairman

Walker, Susan

From: Lucy Begg [mailto:lucy@wendlan.com]
Sent: Wednesday, May 15, 2013 6:56 PM
To: Walker, Susan
Cc: ROBERT E GAY
Subject: Re: Variance Submittal

Hi Susan,

I wanted to follow up after our hearing on Monday.

There seems to be two things we need to do.....

- a) change the wording of our variance to include the side yard setback. Is it enough for me to just send you some revised text?
- b) resolve whatever they were worried about between our address and the front yard setback. The code we were pointed to by the building dept is this (of which I'm sure you're aware):

30-1-21 / Definitions

(31) *FRONT LOT LINE means:*

- (a) *for an interior lot, the lot line abutting the street;*
- (b) *for a corner lot, the lot line designated as the front lot line by a subdivision or parcel map, or, if none, the shorter lot line abutting a street;*
- (c) *for a through lot, the lot line abutting the street that provides the primary access to the lot; and*
- (d) *for a flag lot, the lot line designated as the front lot line by a subdivision or parcel map, or if none, the line determined by the single office to be the front lot line.*

++++++

Perhaps you can give us advice on how to locate a subdivision/parcel map for our subdivision ("WENDLANDT & STAEHELY RESUB"), if such a thing exists? Otherwise it seems clear to me that we determined the front yard setback appropriately and I'm not sure why the Chair of the Board thinks this is a conflict. Surely we're not the first corner lot they've ever seen with this condition?

Thanks for any insights you can share with us.

Best,

Lucy Begg

On Mon, May 13, 2013 at 1:37 PM, Walker, Susan <Susan.Walker@austintexas.gov> wrote:



City of Austin
911 ADDRESSING
CITY SERVICE ADDRESS VALIDATION

Email: addressing@austintexas.gov **Phone:** (512) 974-2797 **Fax:** (512) 974-3337
911 Addressing Website: <http://austintexas.gov/911addressing>

Date: May 24, 2013

The Following Is A Valid Address:

Address : 64 NAVASOTA ST

*Please contact the United States Postal Service or go to www.usps.com for the correct zip code for this address.

Legal Description:

Subdivision : WENDLANDT & STAEHEL RESUB

Block ID :

Lot ID : 13

Geographic ID: 0202050804

Property ID : 188785

Jurisdiction:

AUSTIN FULL PURPOSE

Verify your jurisdiction with our new Jurisdictions Web Map: <http://austintexas.gov/gis/JurisdictionsWebMap/>

County:

TRAVIS

Comments:

64 NAVASOTA ST is the correct address for TCAD tax parcel # 0202050804.

Signed:

A handwritten signature in black ink, appearing to read "S. Smith", written over a horizontal line.

SARA SMITH

Disclaimer: The assignment and/or verification of this address does not authorize a change in land use or constitute the City of Austin's approval of any division of real property. The assignment and/or verification of this address does not supersede any requirements of the City of Austin's Land Development Code, the Texas Local Government Code, or any other state or municipal regulations.

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2013-0047 – 64 Navasota Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, May 13th, 2013

BRENTON JOHNSON
 Your Name (please print)

☒ I am in favor
☐ I object

1305 Holladay St
 Your address(es) affected by this application

[Signature]
 Signature

5/6/13
 Date

Daytime Telephone: 512-542-4576

Comments: _____

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

PUBLIC HEARING INFORMATION

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 - appearing and speaking for the record at the public hearing;
- and:

- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
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Case Number: C15-2013-0047 – 64 Navasota Street
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, May 13th, 2013

ESTIMIN P ALEMENDARIZ

Your Name (please print)

☒ I am in favor
☐ I object

Your address(es) affected by this application

1307 CAMERBURY ST

Berguira Alsaldaing

Signature

5-03-13

Date

Daytime Telephone: 512-280-0744

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

If you need assistance completing this application (general inquiries only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

ROW

CASE #

C15-2013-0047

10927007

TP-0202050804

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED
INFORMATION COMPLETED.

STREET ADDRESS: 64 NAVASOTA ST

LEGAL DESCRIPTION: Subdivision – WENDLANDT & STAEHEL RESUB

S55FT OF LOT 13
& E4.43FT AV OF

Lot(s) LOT 12 Block _____ Outlot 45 Division 0

~~I~~/We LUCY BEGG & ROBERT GAY on behalf of ~~myself~~/ourselves as authorized agent for

LUCY BEGG & ROBERT GAY affirm that on APRIL 07 2013,

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

___ ERECT ___ ATTACH ___ COMPLETE ☒ REMODEL ___ MAINTAIN

an 815 sf house, purchased by the owners in April 2011, on a 2583 sf corner lot (with small lot amnesty), including a 135 sf area of the house that encroaches into the 10' rear yard setback, and which was added to the original 1960s house approximately 10 years ago without a permit (REF DRAWINGS A001 / A100 / A200 / A201).

in a SF3 - NP district.
(zoning district)

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

SEE ATTACHED DOCUMENT A

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

SEE ATTACHED DOCUMENT A

- (b) The hardship is not general to the area in which the property is located because:

SEE ATTACHED DOCUMENT A

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

SEE ATTACHED DOCUMENT A

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

NOT APPLICABLE

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

NOT APPLICABLE

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

NOT APPLICABLE

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOT APPLICABLE

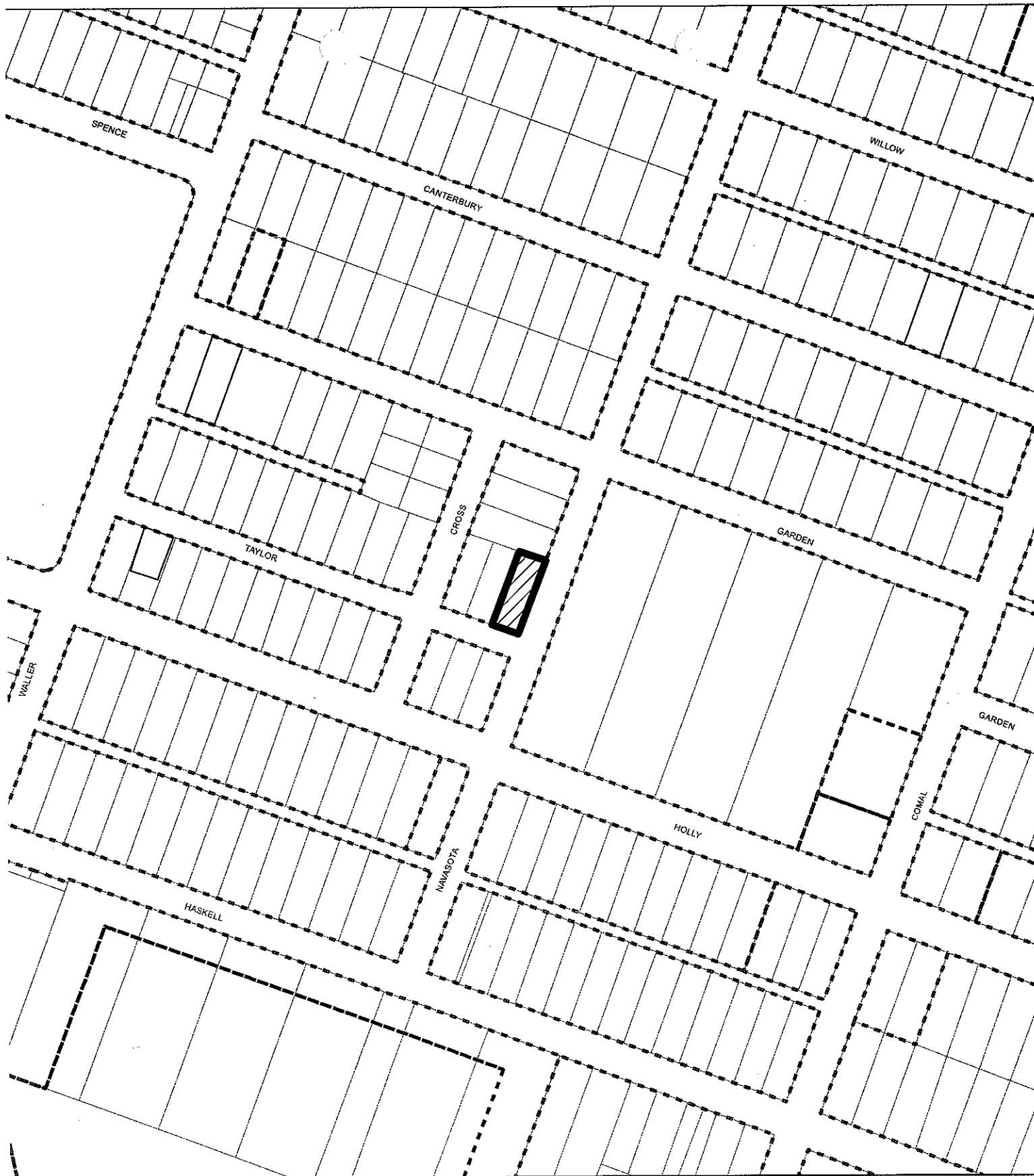
NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Lucy Beggs Mail Address 64 NAVASOTA ST
City, State & Zip AUSTIN TX 78702
Printed LUCY BEGGS Phone 510 684 6040 Date April 8 2013

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Lucy Beggs Mail Address 64 NAVASOTA ST
City, State & Zip AUSTIN TX 78702
Printed LUCY BEGGS Phone 510 684 6040 Date Apr 8th 2013

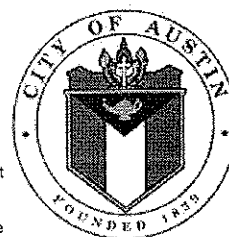


SUBJECT TRACT



ZONING BOUNDARY

CASE#:C15-2013-0047
LOCATION:64 NAVASOTA ST



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

VARIANCE APPLICATION FOR 64 NAVASOTA ST

April 07 2013

DOCUMENT A

+++++

REASONABLE USE:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

- the encroachment into the rear yard setback of a 10-year-old non-permitted addition prevents the current owners (who've owned the house for 2 years) from remodeling the original house and enclosing a porch within the legal developable area of the lot, as well as remodeling the non-permitted addition to make it a code-compliant structure. (REF DRAWINGS A001 / A100).

Due to the unusually small size of the lot (2583sf), the owners cannot relocate the non-permitted addition within the legally developable area of the lot, because this available area (820 sf, 31% of the lot) is already fully developed at ground level with the existing house and a city-required driveway (REF DRAWINGS A001).

Therefore, without a variance, the current zoning regulations would force the owners to reduce the square footage of their house from 815sf (0.31 FAR) to 680sf (0.26 FAR) to be able to remodel their property.

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

- the 2583 sf lot is unusually small for an SF3 zoning designation (the lot has small lot amnesty status). The standard SF-3 setbacks (10 ft rear yard, 5' side yard, 15' street side yard, front yard averaging) are designed for a minimum 5750 sf lot and therefore highly restrict the possible development of this property*, including the ability to remodel the full footprint of the existing house. The property is a corner lot, which further reduces the typical developable area due to the 15' street side yard setback (rather than 5' side yard setback for non-corner lots) (REF DRAWING A001).

**SF-3 setbacks allow 55%-60% of the area of a minimum 5750sf lot for possible development (depending on front yard setbacks). By comparison only 31% of the lot at 64 Navastoa St can be developed under these same regulations. (REF DRAWING A300).*

- the 136sf area of the existing house outside the legal setbacks has been in existence for approximately 10 years. The current owners have only owned the property since April 2011 and were neither responsible for constructing the addition without the required permit, nor aware when they purchased the property that the addition was non-permitted.

- (b) The hardship is not general to the area in which the property is located because:

- less than 3% of the lots in the surrounding neighborhood share similar characteristics of having developable areas of under 35% due to their small lot size (under 3000 sf) and location on a corner (5 lots within the surrounding 10 blocks, which contains a total of approximately 200 lots). The average lot size in the neighborhood (East Cesar Chavez) is approximately 6500 sf. (REF DRAWING A301).

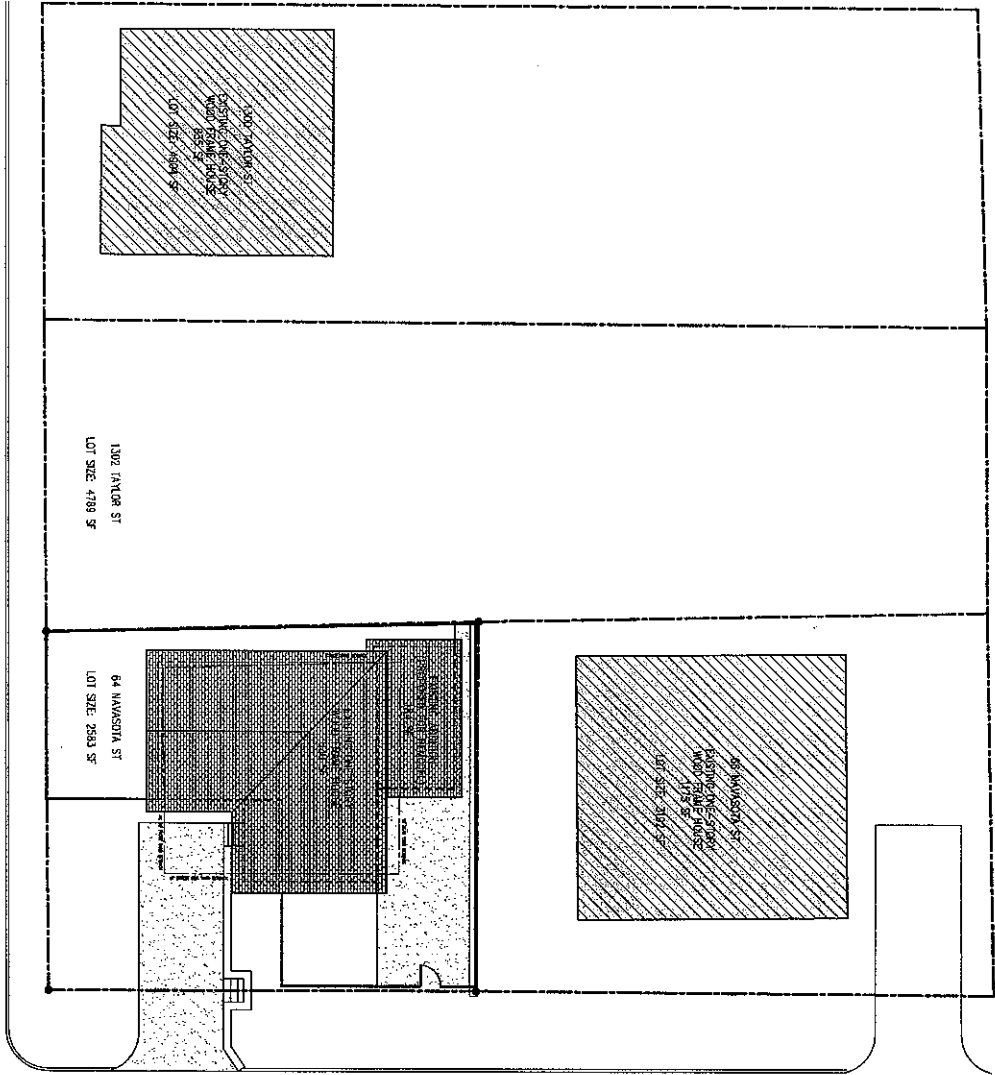
AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

- the existing structure has already been in existence for approximately 10 years (based on COA GIS shape data, addition to property appears between 2003 and 2006).
- the property to the north of 64 Navasota is a residential property with a grade level approximately 2' higher than 64 Navasota. The fence dividing the properties is therefore at approximately 8' above the highest grade of the 64 Navasota St property. Any sight lines from north-facing windows of the proposed remodel will be blocked by the fence. In addition the proposed remodel is no higher than the current highest point of the existing house, so no daylight will be blocked to the adjacent property by the proposed remodel.
- the lot to the west of the property is empty.
- the lot is unusually small so a variance does not set a precedent for allowing existing non-permitted structures to be remodeled outside setbacks on more typically sized lots, because more options for development/improvements would be possible.

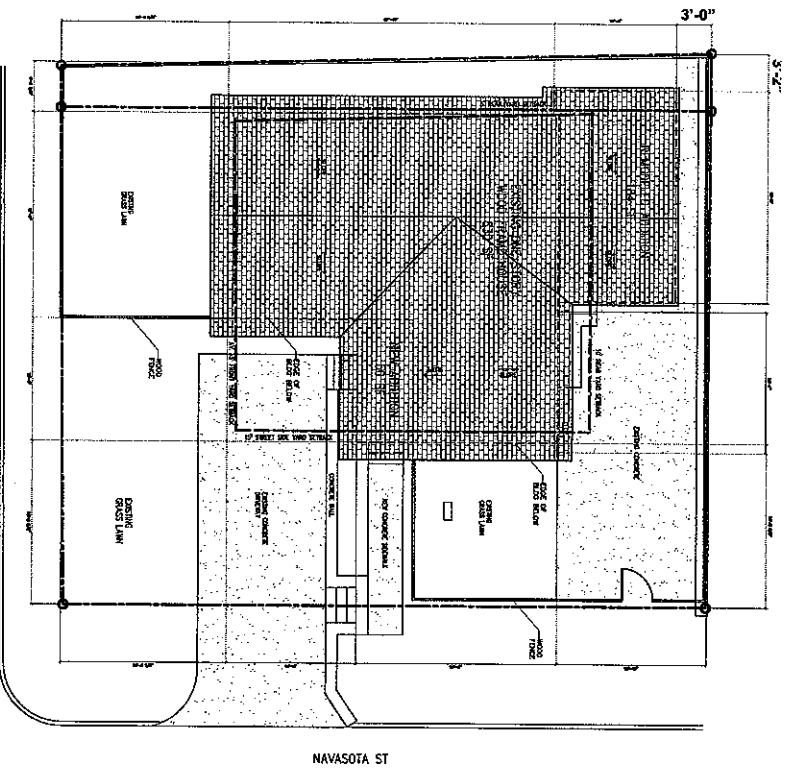
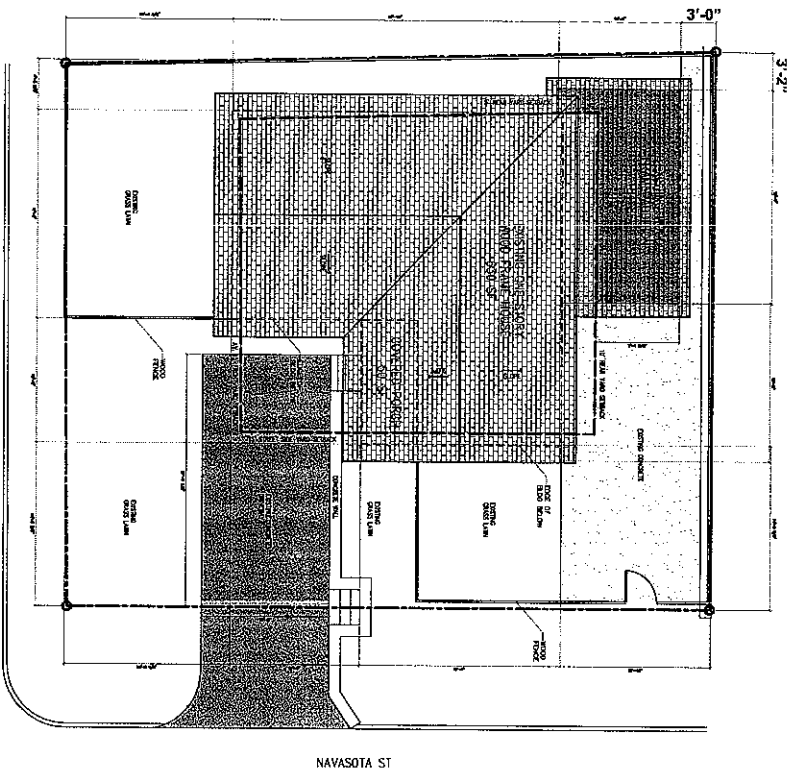
01 - EXISTING PLOT PLAN & ADJACENT PROPERTIES

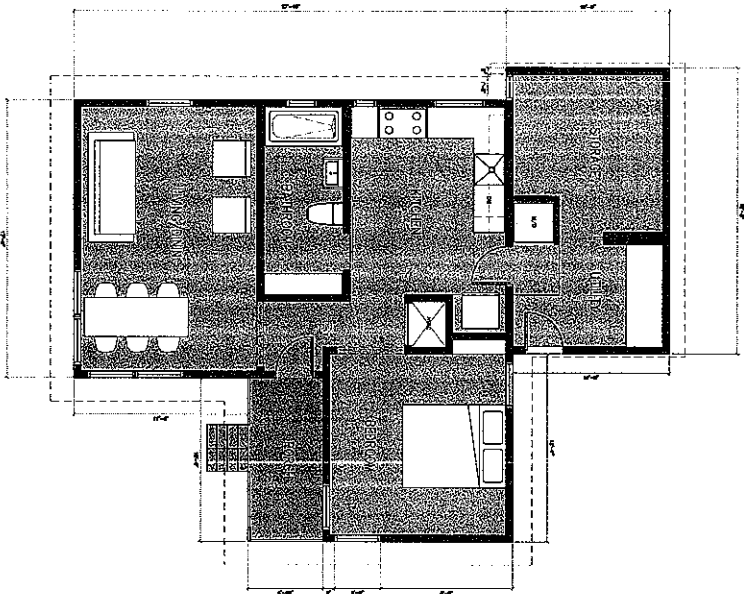
TAYLOR ST



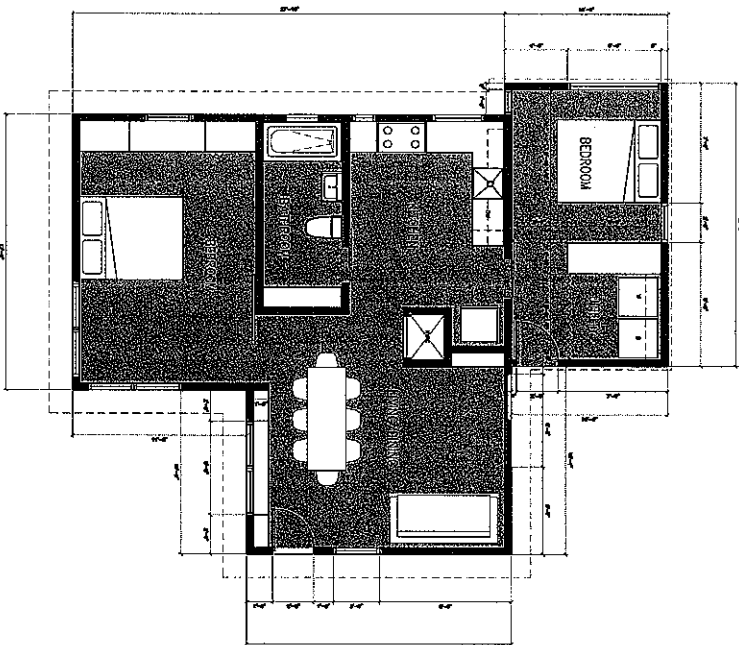
NAVASOTA ST

THOUGHTBARN <small>ARCHITECTURAL & ENGINEERING</small>	
64 NAVASOTA	
PERMIT DOCUMENTS	
SITE PLAN INC. ADJACENT PROPERTIES	
1/16"=1'-0"	02/21/13
A 001	





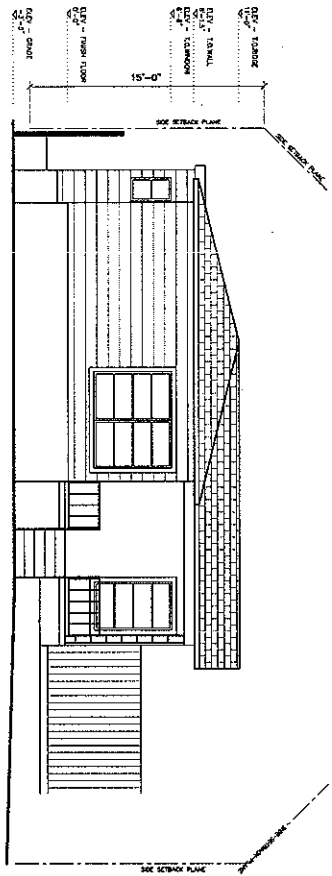
EXISTING FLOOR PLAN
CONDITIONED AREA: 815 SF



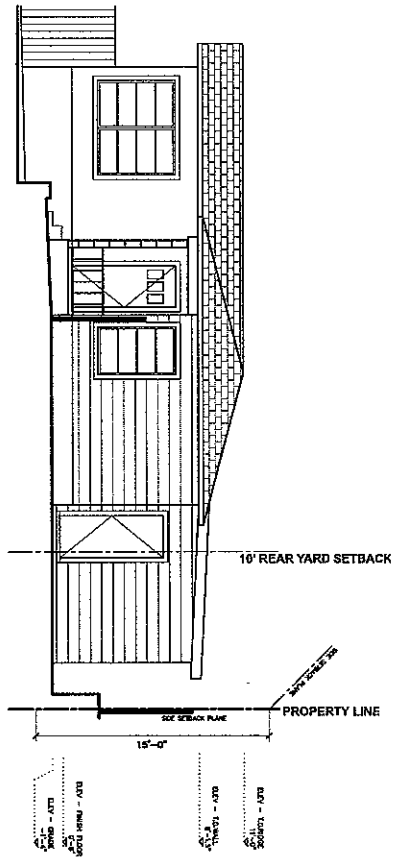
PROPOSED FLOOR PLAN
CONDITIONED AREA: 865 SF

EXISTING

01 - EXISTING SOUTH ELEVATION

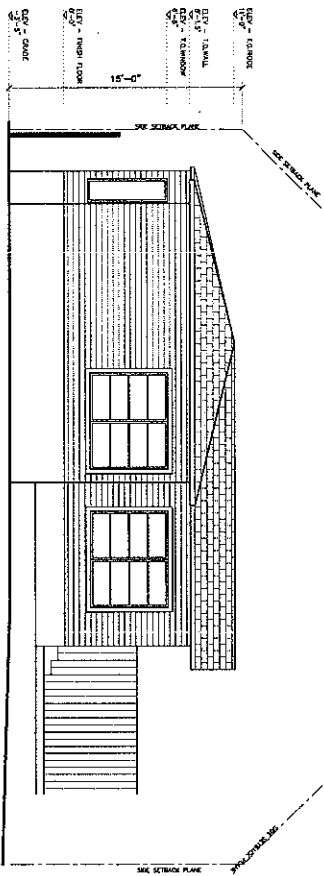


02 - EXISTING EAST ELEVATION

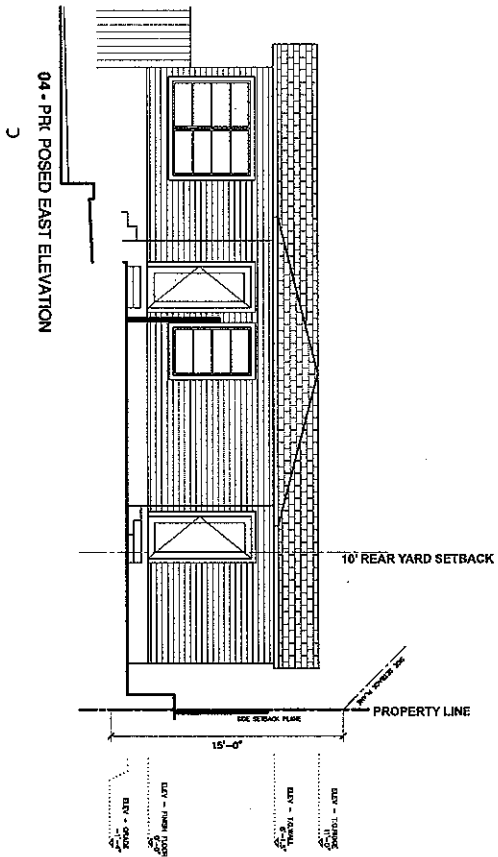


PROPOSED

03 - PROPOSED SOUTH ELEVATION

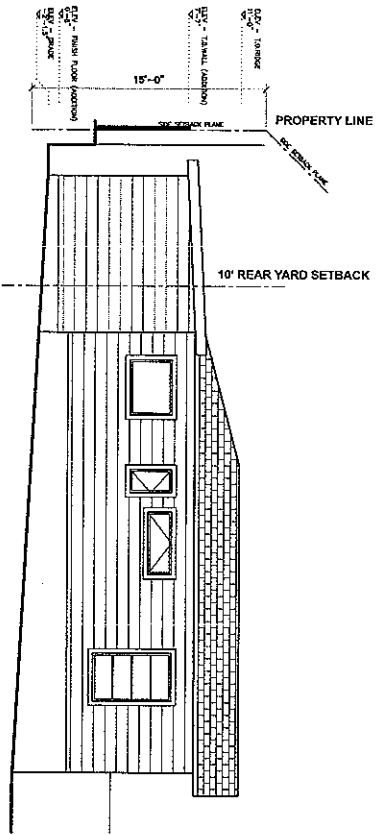


04 - PROPOSED EAST ELEVATION

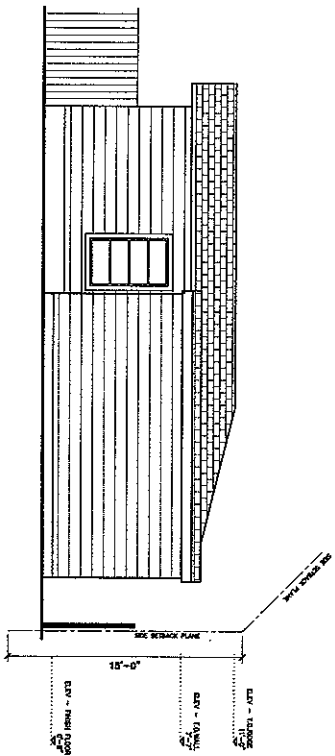


EXISTING

01 - EXISTING WEST ELEVATION

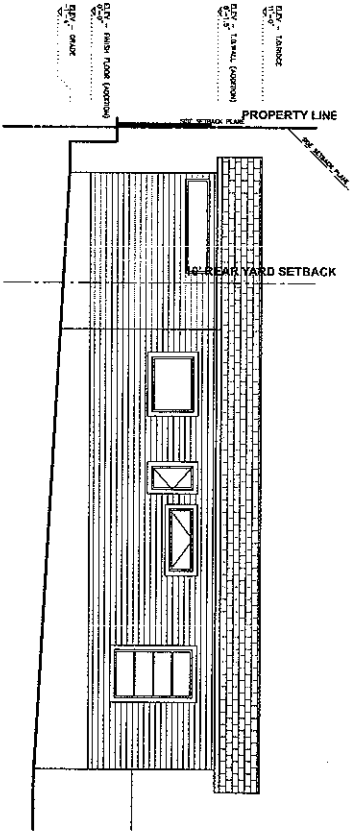


02 - EXISTING NORTH ELEVATION

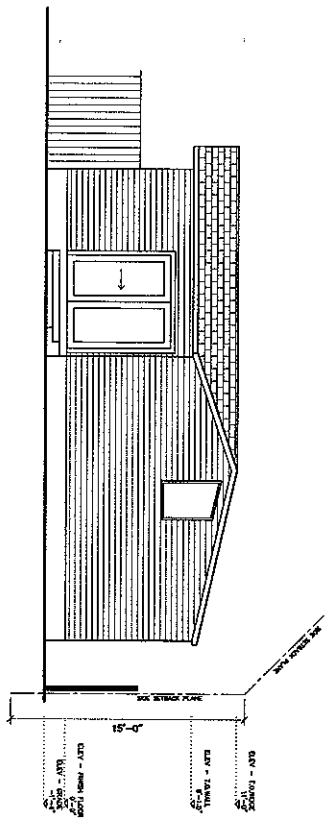


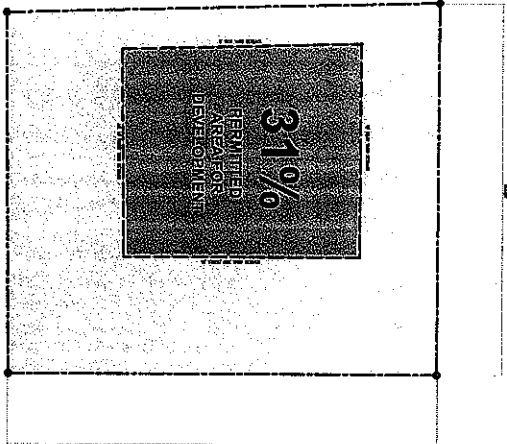
PROPOSED

03 - PROPOSED WEST ELEVATION



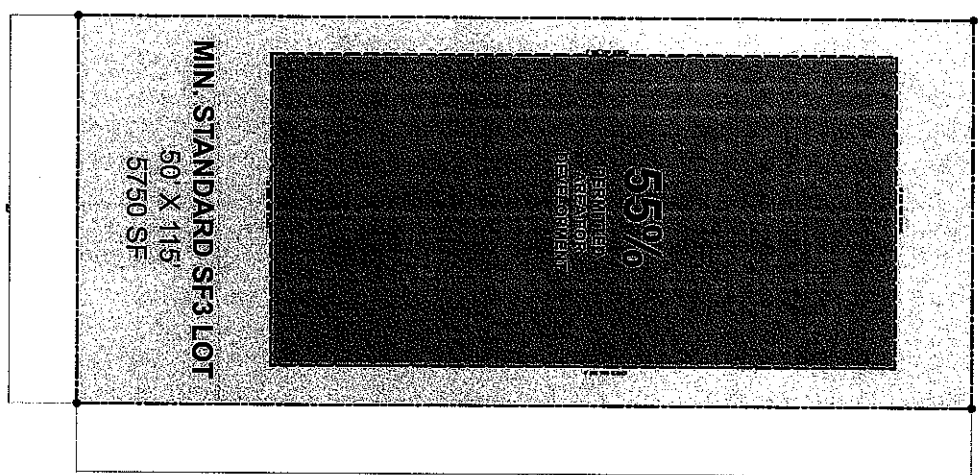
04 - PROPOSED NORTH ELEVATION





64 NAVASOTA ST
 (SMALL LOT AMNESTY)
 47' X 55'
 2583 SF

02 - 64 NAVASOTA PLOT BOUNDARIES / SETBACKS



01 - TYPICAL SF3 LOT BOUNDARIES / SETBACKS

THOUGHTBARN <small>THE THOUGHTBARN GROUP, INC. 10000 N. 10TH AVENUE, SUITE 100, DENVER, CO 80231</small>	
64 NAVASOTA	
PERMIT DOCUMENTS	
NEIGHBORHOOD PLAN	
1/8" = 1'-0"	02/21/13
A 301	

LOTS WITHIN 10 BLOCKS
OF 64 NAVASOTA ST WITH
SIMILAR DEVELOPMENT
CHARACTERISTICS:

- LOT AREA < 3000 SF
- CORNER LOT

(TOTAL OF 3% / 5 LOTS
WITHIN AREA CONTAINING
APPROXIMATELY 200 LOTS)

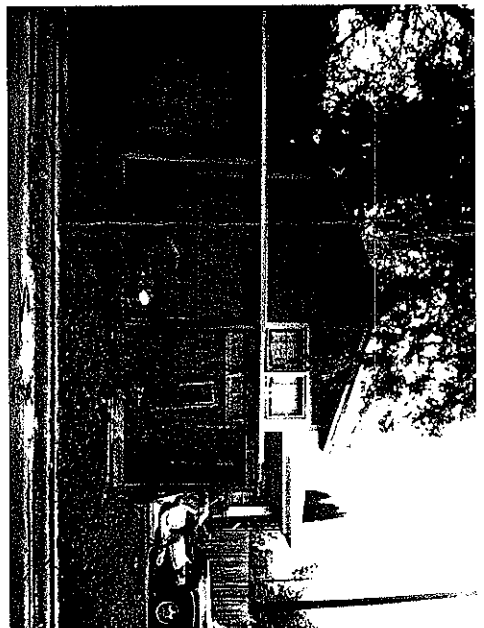


01 - NEIGHBORHOOD LOT DIAGRAM

THOUGHTBARN	
64 NAVASOTA	
PERMIT DOCUMENTS	
NEIGHBORHOOD PLAN	
1/8"=1'-0"	08/27/19
A 300	



VIEW OF 64 NAVASOTA ST FROM CORNER OF NAVASOTA / TAYLOR ST



VIEW OF 64 NAVASOTA ST FROM TAYLOR ST



NON PERMITTED ADDITION

66 NAVASOTA ST

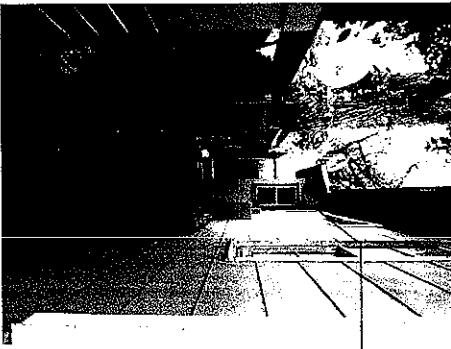
VIEW OF 64 NAVASOTA ST FROM NAVASOTA ST

THOUGHTBARN	
64 NAVASOTA	
PERMIT DOCUMENTS	
PHOTOS	
02/21/13	
A	



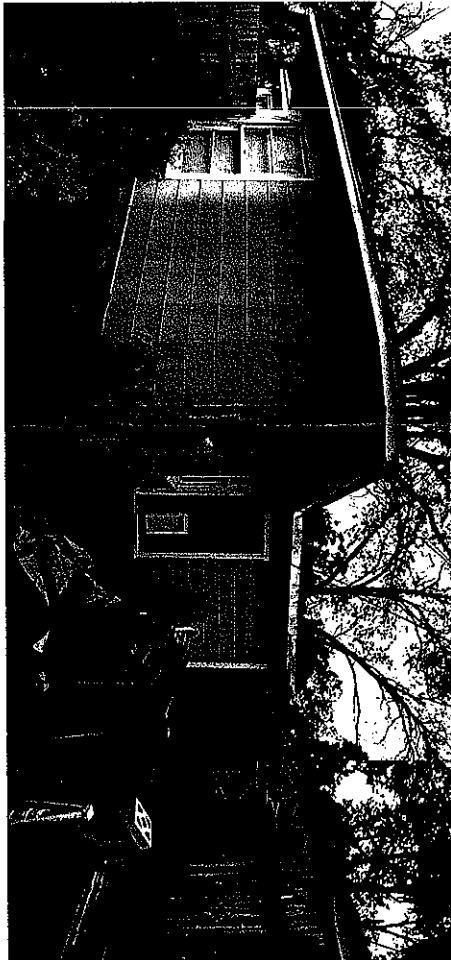
SATELLITE VIEW OF 64 NAVASOTA ST
NON-PERMITTED ADDITION

64 NAVASOTA ST



NON-PERMITTED
ADDITION

VIEW ALONG SIDE SETBACK



NON-PERMITTED ADDITION

66 NAVASOTA ST

VIEW OF NON-PERMITTED ADDITION FROM STREET SIDE YARD

THOUGHTBARN THE ONLY PLACE TO GET YOUR THOUGHTS ORGANIZED	
64 NAVASOTA	
PERMIT DOCUMENTS	
PHOTOS	
02/21/15	
A	